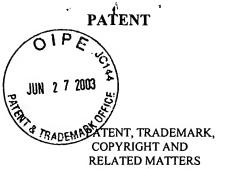
Attorney Docket: ALLE-P3.1-US



Mark A. Garzia

A PROFESSIONAL CORPORATION

10 VETERANS SQUARE P.O. BOX 288 MEDIA, PA 19063-0288

ATTORNEY AT LAW Admitted in PA and NJ Registered Patent Attorney

Telephone: 610.566.5050 Facsimile: 610.566.1030 E-mail: patent@craftech.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT

Kenneth R. Alley

TITLE

APPARATUS FOR SAMPLING AND TESTING

A SPECIMEN

APPLN. NO.

10/002,313

FILING DATE

October 24, 2001

ATTORNEY DOCKET NO.

ALLE-P3.1-US

Commissioner for Patents TO:

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. §§ 1.56, 1.97 and 1.98

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement (IDS) for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The five (5) documents submitted to the PTO for consideration are listed on Form 1449 (1 pg.) attached hereto.

II. COPIES

A. X Submitted herewith is a legible copy of (i) each U.S. patent application,
publication and U.S. and foreign patent; (ii) each publication or that portion which cause
it to be listed; (iii) for each cited pending U.S. application, the application specification
including the claims, and any drawing of the application which caused it to be listed
including the claims directed to that portion; and (iv) all other information or that portion
which caused it to be listed.

B. _____ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. X Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ____ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

C. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. X The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No. Filing Date Art Unit 10/267,059 October 7, 2002 (Not Yet Assigned)

V. THIS IDS IS BEING FILED UNDER

A. X 37 C.F.R. § 1.97(b): (check <u>only</u> one box)

- 1. __ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required. 2. ___ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required. 3. X before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or if no certification has been made, a fee in the amount of \$180.00 pursuant to 37 C.F.R. § 1.17(p) is required. 4. ___ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required. B. ___ 37 C.F.R. § 1.97(c): (check <u>only</u> one box) before the mailing date of either any Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution. 1. ___ No certification; therefore, a fee in the amount of \$180.00 pursuant to 37 C.F.R. $\S 1.17(p)$ is required. 2. See the certification below. No fee is required.
- C. ____ 37 C.F.R. § 1.97(d): (check <u>only</u> one box)
 - after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.
 - 1. __ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.311.

PATENT

Attorney Docket: ALLE-P3.1-US

VI.	CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (if required, check only one box)
	A each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)); or
	B no item of information contained in this IDS was cited in a communication from foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
	C Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.
VII.	PAYMENT OF FEES (if required, check only one box)
	A A check in the amount of \$180.00 is enclosed for the above-identified fee.
	B Please charge Deposit Account No in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.
	C Credit Card Payment Form (PTO-2038) is enclosed in the amount of \$180.00 for the above-indicated fee.

This Information Disclosure Statement (IDS) should not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists. The submission of these documents is not intended to be deemed an admission that they are, or are considered to be, statutory prior art, analogous art, contain matter which anticipates the invention or material to patentability as defined in 37 C.F.R. § 1.56(b). Also, by this listing, the Applicant is not making any admission regarding the relative dates of the invention and listed disclosures.

Attorney Docket: ALLE-P3.1-US

Some of the documents may have markings thereon. No significance is intended to be attached to the markings. Moreover, no representation is made that any brief descriptions of the references herein necessarily describe the most material aspects of the references.

The Examiner is requested to consider carefully the complete text of these documents in connection with the examination of the above-identified application in accordance with 37 C.F.R. § 1.104(a). It is requested that the documents listed on the attached Form PTO-1449 be included in the "References Cited" portion of any patent that may issue from this application (M.P.E.P. § 1302.12), and that the Examiner initial and return a copy of said form to evidence consideration of the documents.

Finally, enclosed is a self-addressed, postage prepaid postcard for the PTO to place its date stamp and mail back to the undersigned attorney in order to acknowledge receipt of this IDS.

It is believed that this IDS complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98 and the Manual of Patenting Examining Procedures § 609. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and notify the undersigned promptly so that any deficiency may be remedied.

Dated: 20 JUNE 2003

Respectfully submitted,

Mark A. Garzia, Esquire Attorney for Applicant

Registration No. 35,517

LAW OFFICES OF MARK A. GARZIA

P.O. Box 288

Media, PA 19063-0288 Telephone: (610) 566-5050

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

20 JUNE 2003

Date

Mark A. Garzia



F6/10/PT/02/1449 (REV. 8-93)

U.S. Department of Commerce Patent and Trademark Office

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Application No. 10/002,313

Filed: Oct. 24, 2001

Inventor: Kenneth R. Alley

Atty. Docket No.: ALLE-P3.1-US

LLS PATENT DOCUMEN	ITC

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Da If Appropr	
				-			
						-	
	T	FOI	REIGN PATENT DOCUMENTS		T		
	Document Number	Date	Country	Class	Subclass	Translat	tion
		<u> </u>				Yes	No
	_				<u> </u>		
						1	
						<u></u>	
	OTHER	DOCUMENTS (I	ncluding Author, Title, Date, Pertinent Page	s, Etc.			
	The second second second		C CUECK sees seiner devises. De	a Eroo E	nterprises.	Inc.;	
	Copy of brochu Scotts Valley, 0	ure for DRU(CA (2 pgs.)	G CHECK screening device; Dru	ig riee E	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
	Scotts Valley, C Copy from web www.drugched	CA (2 pgs.) osite for DRI ck.com (2 pg	JG CHECK screening device; D	rug Free	Enterprise		
	Scotts Valley, C Copy from web www.drugched Copies of 3 bro	CA (2 pgs.) psite for DRI ck.com (2 pg pchures fron brochure (2	JG CHECK screening device; D	rug Free CA; inclu	Enterprise	ancy	

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.